

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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ORAL DAWKINS,

Petitioner,

-against-

THE PEOPLE OF THE STATE OF NEW YORK,

Respondent.

ORDER

08-CV-2441 (NGG)

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NICHOLAS G. GARAUFIS, United States District Judge.

Pro se Petitioner Oral Dawkins ("Dawkins") moves under 28 U.S.C. § 2254 for a writ of habeas corpus. (Pet. (Docket Entry # 1).) Dawkins's first claim is that he was deprived of the effective assistance of appellate counsel when the New York Supreme Court, Appellate Division refused to unseal certain records for appellate counsel's review on direct appeal. (Id. at 3.) These records are comprised of an audiotape recording and related documents. (See Resp. (Docket Entry # 7) ¶ 8.) The court cannot evaluate Dawkins's claim without reviewing the records in question. Therefore, within thirty (30) days of the date of this order, Respondent shall submit to the court, ex parte and under seal, the audiotape recording in question, along with any related documents, including any and all related transcripts and police reports.

SO ORDERED.

s/Nicholas G. Garaufis

Dated: Brooklyn, New York
April 27, 2011

NICHOLAS G. GARAUFIS
United States District Judge